In the
Supreme Court of the United States

October Term, 1968

JEREMIAH STAMLER, M.D. and YOLANDA F. HALL,
Plaintiffs-Appellants,

vs.

HON. EDWIN E. WILLIS, et al.,
Defendants-Appellees,

MILTON M. COHEN,
Intervening-Plaintiff-Appellant,

vs.

HON. EDWIN E. WILLIS, et al.,
Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division.

APPELLANTS' REPLY TO MOTION TO DISMISS OR AFFIRM

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PRELIMINARY STATEMENT

The response of the Solicitor General places this case in an extraordinary posture.

After three years of complicated litigation, the Court of Appeals for the Seventh Circuit directed the convening of a three-judge court, and the three-judge court unanimously denied appellees' motion to dismiss, ordered appellees to answer the complaints, and granted certain pretrial discovery motions.

With the pleadings at issue and preparation for trial thus begun, appellees urged dismissal on a ground, never before relied upon, *viz.*, immunity from suit under the Speech or Debate Clause of the Constitution. A majority of the three-judge court accepted this contention and entered judgment for the appellees. It is this judgment the Solicitor is defending on appeal.

The Solicitor has now *abandoned* the ground upon which the majority of the three-judge court predicated its decision. This abandonment is a tacit confession that the Speech or Debate Clause affords no valid basis for dismissal of this case.

In an effort to salvage the result, the Solicitor undertakes to resurrect a series of contentions which have been made time and again to the various judges who have heard this case. Every one of those contentions has been previously advanced to and rejected by the three-judge court and the Court of Appeals. Thus, tacitly conceding that the majority below erred, appellees are in reality attempting to turn this into an interlocutory appeal from the prior decisions which were adverse to them.

In this posture of the case it is unnecessary to argue further the soundness of our contentions concerning the Speech or Debate Clause.

Rather, we shall concentrate our reply on two matters:

First, the Solicitor challenges the propriety of convening a three-judge court to hear appellants' constitutional challenge to Rule XI of the Legislative Reorganization Act. When this contention was rejected by the Court of Appeals for the Seventh Circuit, the government chose not to seek review in this Court. The contention was again rejected by the three-judge court when it denied appellees' motion to dismiss. We deal with this point in Part I, below.

Second, we deal in Part II with the various grounds rejected below but nevertheless raised in this Court by the Solicitor to justify dismissal of the complaints.

I.

A THREE-JUDGE COURT WAS PROPERLY CONVENED BECAUSE APPELLANTS SEEK AN INJUNCTION AGAINST ENFORCEMENT OF AN ACT OF CONGRESS.

The suggestion of the Solicitor that appellate review in this Court is not now appropriate rests upon a contention that a three-judge court was improperly convened in that the complaint did not seek an injunction against an "Act of Congress" within the meaning of Title 28 U.S.C. § 2282.

Since the complaint did in fact request an injunction against the enforcement of provisions of the Legislative Reorganization Act of 1946* which embody Rule XI, the charter of the Committee, this argument requires an assumption that the Legislative Reorganization Act is not an "Act of Congress" within the meaning of the three-judge court statute. Appellees unsuccessfully advanced this argument to the Court of Appeals for the Seventh Circuit in their petition for rehearing. It was rejected

* Titles I and II of the Legislative Reorganization Act of 1946 are attached hereto as Appendix A.

by the Court of Appeals *en banc*. After much deliberation,* the government decided not to seek review of that ruling in this Court. The contention was again pressed on the three-judge court in the motion to dismiss, and was again rejected. (4 R. 52.) Appellees now seek to raise the contention again, relying principally upon the majority opinion of the three-judge court in *Krebs* v. *Ashbrook*, 275 F. Supp. 111 (D.D.C. 1967), affirmed per curiam No. 21,382 (D.C. Cir. May 14, 1968), petition for certiorari now pending in this Court, No. 633.

We suggest to the Court that the rejection of this argument by both courts below, and the decision of the government not to appeal the ruling of the Court of Appeals, were based upon sound considerations. An analysis of both the Legislative Reorganization Act of 1946 and the decisions of this Court interpreting the scope and impact of Section 2282 reinforce the conclusion of the courts below that a three-judge court was properly convened here.

A.

The Rules Establishing and Governing the House Committee on Un-American Activities Are Embodied In and Are an Integral Part of the Legislative Reorganization Act of 1946.

Appellants seek a permanent injunction against enforcement of that portion of the Act of Congress known as the Legislative Reorganization Act of 1946** which estab-

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* The government thrice requested the Court of Appeals to stay its mandate so as to afford the Solicitor General an opportunity to determine whether or not to seek review by this Court.

** Chapter 753, Section 121 (b) (Public Law 601, 79th Congress, 2nd Session, 60 Stat. 812, 828.)

lishes the House of Representatives Committee on Un-American Activities (the "Committee"). The Senate approved the Bill for this Act (S. 2177) on June 10, 1946, and the House approved the Bill with amendments on July 25, 1946. The Senate concurred in these amendments on July 26, 1946.* As in the case of all other Acts of Congress, the Bill was transmitted to President Truman for approval or veto. President Truman approved the Bill on August 2, 1946.

The portions of the Act establishing and governing the Committee have never been amended or repealed, and remain in full force.

This is indisputably an Act of Congress. It is so entitled:

> "An Act to provide for increased efficiency in the Legislative branch of the Government. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled . . .*"

The Act contains six Titles. Title I embodies rules of the Senate and the House of Representatives. Part 2 of Title I contains Rules X and XI of the House, which establish *(inter alia)* the Committee and define its functions. Part 3 provides for joint committees of Congress and numerous joint congressional procedures. This title is denominated as "an exercise of the rule making power of the House and Senate respectively . . . with full recognition of the constitutional right of either House to change such rules . . . ."

Title II contains miscellaneous administrative provisions dealing with personnel, the capitol, and administrative matters, affecting the functioning and procedure of the

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* 92 Cong. Rec. 6578, 10104, 10152 (1946).

House and Senate. Part 1 of Title II is entitled "Statutory Provisions Relating to Congressional Personnel," and Part 2 is entitled "Statutory Provisions Relating to Congressional Committees." Title II authorizes appropriations to the standing committees, including appropriations for personnel of the House Committee on Un-American Activities. The Committee regularly makes and publishes reports with respect to its staff personnel and salaries and has in each instance stated that it has done so pursuant to § 134(b) of Title I of the Legislative Reorganization Act of 1946. *E.g.*, 111 Cong. Rec. 20003 (1965).

Title III concerns the regulation of lobbying. Title IV is the Federal Tort Claims Act. Title V is the General Bridge Act relating to the consent of Congress for bridges over navigable waters. Title VI concerns compensation and retirement pay of members of Congress.

The Short Title section makes clear that the title, "Legislative Reorganization Act of 1946," refers to all titles and sections. The Separability Clause likewise refers to "this Act."

Thus, it is clear that the Committee's creation and existence is provided for, and that its continued functioning is governed by, an Act of Congress which followed the usual course through both houses of Congress as required by Article I, Section 7 of the United States Constitution, and was submitted to and approved by the President as in the case of other Acts of Congress.

Appellees ask this Court to ignore the inclusion of Rule XI and other Rules in this Act of Congress by calling it an *"historical accident"* which is "deprive[d] . . . of the legislative force ordinarily associated with statutes." (Motion to Dismiss or Affirm, p. 8; emphasis added.)

On the contrary, the Legislative Reorganization Act was a thoroughly considered legislative enactment. It was based upon the Report of a Joint Committee on the Operation of Congress,* co-chaired by Senator Robert M. LaFollette, Jr. and then Representative A. S. "Mike" Monroney, which held 39 public hearings and called 102 witnesses.** It attracted the attention of numerous commentators before, during, and immediately after its consideration and passage. See, *e.g.*, Hoffman, "Congress Streamlined," 7 Fed Bar J. 378 (1946); Editorial, "Organization of Congress," 7 Fed Bar J. 264 (1946); Kefauver, "The Challenge to Congress," 6 Fed. Bar 325 (1946); Comment, "Is Congress Outmoded?—A Study of Proposals for Reorganization," 34 Geo. L. J. 201 (1946); Shull, "The Legislative Reorganization Act of 1946," 20 Temp. L. Q. 375 (1946); Borchardt, "Legislative Supremacy and Congressional Reorganization," 35 Geo. L. J. 310 (1946).

The reorganization of "its present obsolete and overlapping committee structure" was termed in the Joint Committee Report "the first and most important test of whether Congress is willing to strengthen itself and its organization to carry the tremendous workload that present day governmental problems place upon it." (Report, p. 2.) See Hoffman, op. cit., 7 Fed. Bar J. at 380. It was only after intensive deliberation and debate covering 190 pages in the Congressional Record that Congress adopted changes in the Rules of both Houses affecting committee structure and in doing so resorted to statutory enactment. 92 Cong. Rec. 6344-46, 6365-75, 6390-98, 6439-54,

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* Sen. Rep. 1011, 79th Cong., 2d Sess. (1946). ("Report")

** Report, p. 1.

6455-69, 6517-21, 6522-41, 6547-75, 10037-10104, 10139-52 (1946).

The propriety of the form of the enactment was drawn into question and hotly debated. 92 Cong. Rec. 6391-94, 6457, 10040, and 10064 (1946). See also Shull, p. cit. 20 Temp. L.Q. at 376.

The proviso in Title I, that either House may change the Rules contained in the Act, does not deprive the Act of legislative force, or in any sense make the Act other than an Act of Congress. Furthermore, insofar as pertinent here, the House has not exercised any such prerogative. Moreover, many other Acts of Congress, passed and approved in the usual fashion as was the Act in question, may be altered, repealed or rendered nugatory by other than the ordinary constitutional procedure. The Committee itself has taken credit for adoption of two such Acts of Congress, 50 U.S.C. § 792, which permits inaction by the Attorney General to terminate the existence of the Subversive Activities Control Board, and 50 U.S.C. §798 (enacted June 30, 1953), which permits the President to terminate 50 U.S.C. §794, an espionage statute, by declaring an end to the period of national emergency declared on December 16, 1950. In recent years, Congress has consistently permitted tariff reductions by Presidential action. 19 U.S.C. §1351(a); Pub. L. 87-794 §274(c); Pub. L. 85-868 §2; 19 U.S.C. §1821. See also Joint Res. Jan. 29, 1955, 69 Stat. 7 (President can terminate power to protect Formosa); Pub. L. 88-408, August 10, 1964 (President can terminate power to protect Southeast Asia); Trading with the Enemy Act §5, 40 Stat. 411, 415 (President given power to suspend operation of the statute). Similarly under certain circumstances a treaty may supersede a statute with-

out the concurrence of the House of Representatives. Corwin, ed., The Constitution of the United States, 421-22 (1952).

As Chief Judge Bazelon pointed out in his dissenting opinion in *Krebs* v. *Ashbrook,* (275 F. Supp. 111, 119-120): "Section 2282, however, speaks of 'any Act of Congress,' and neither Congress nor the Supreme Court has provided us with sufficient guidance to carve out exceptions to it."

Appellees also argue that any effect of the Legislative Reorganization Act on rules of the House was confined to the session of enactment. (Motion to Dismiss or Affirm, p. 9.) However, *precisely the opposite is true.* Title I containing changes in the Rules did not by its terms become effective until January 2, 1947, the opening of the *succeeding* 80th Congress. (§142)

It is thus clear that the Congress thought that the rules enacted in the Legislative Reorganization Act would be binding on subsequent Congresses, except insofar as specifically amended.

Appellees nevertheless argue that House Resolution 8 of the 89th Congress incorporating the Legislative Reorganization Act is "the operative act" and "hence the only appropriate point of challenge." (Motion to Dismiss or Affirm, p. 10.) Their principle authority is *Gojack* v. *United States,* 384 U.S. 702, 707, n.4.

However, that case did not directly involve the relevance of the Legislative Reorganization Act as a source of Committee authority. *Cf. Watkins* v. *U.S.,* 354 U.S. 178 (1957). In *Gojack,* the question was whether, in absence of a specific Committee authorization for an investigation, an indictment failing to allege such an authorization was defective despite an asserted "continuing investigation"

of the witness-defendant's labor union. This Court held that Congress had not authorized a continuing investigation. The Court added a dictum, in a footnote, that an *authorization* "must occur during the term of the Congress in which the investigation takes place. Neither the House of Representatives nor its committees are continuing bodies. *Cf., Anderson* v. *Dunn,* 6 Wheat, 204, 231; *Marshall* v. *Gordon,* 243 U.S. 521, 542."* This Court then commented that "It is the *practice* of the House to adopt its Rules—including [Rule XI]—at the beginning of each Congress." (Emphasis added.)

Appellees would subtly elevate this "practice" into a constitutional requirement. However, whatever may be the current practice of the House of Representatives with respect to biennial adoption of rules, the House has often enacted statutes or rules with the undertanding that they would govern procedure in the House during subsequent Congresses unless changed by rule pursuant to Art. I, Sec. 5 of the Constitution. In 1860, the House amended its rules providing (Cong. Globe, 36th Cong. 1st Sess. 1211-12 (1860)):

> "These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered."

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* Nor do these cases hold or suggest that the House must reenact its rules biennially. In *Anderson* v. *Dunn*, 6 Wheat. 204 (1821), this Court held that since the House has power to imprison those in contempt, an action for trespass brought by the contemnor after his release would not lie. The Court added in dictum that such imprisonments would be limited by adjournment or periodical dissolution. (6 Wheat. at 231.) In *Marshall* v. *Gordon*, 243 U.S. 521 (1917), this Court held that the contempt power did not extend to imprisonment of a United States Attorney for directing an intemperate letter to the chairman of a House committee. The Court in dictum cited the dictum in *Anderson* v. *Dunn, supra.*

The rule was adopted after Rep. Washburn gave assurances that the provision would not violate the Constitution because the House could change the rules at any time.

Relying upon this rule the House enacted no rules during the 41st, 42nd and 43rd Congresses. See statement by Senator Dawes, 4 Cong. Rec. 434 (1876).

A similar practice was followed from the beginning of the Government until 1876 under which certain of the affairs of Congress were governed by joint rules, occasionally amended but never reaffirmed by either House of Congress. Dechsler, House Rules and Manual, p. 23 § 61 (1961 ed.). In 1876, however, the joint rules were abrogated when the Senate conditioned their continuance upon reenactment by the House. See 4 Cong. Rec. 309-10, 431-38, 517-20, 5567 (1876). Nevertheless, in the next session of Congress, the Speaker maintained that the joint rules governed the House in each succeeding Congress without reenactment.*

The statutory provisions for joint committees of Congress created by the Legislative Reorganization Act and other statutes are similar to the old joint rules. See, *e.g.*, 26 U.S.C. §8002 (Composition of Joint Committee on Internal Revenue Taxation); 44 U.S.C. §1 (Composition of Joint Committee on Printing and Binding). F'ther house of Congress by a change of its rules or a refusal to act could render these statutes ineffective as was done to the joint rules. The House need not reenact or reaffirm

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* See also 4 Hind's Precedents of the House of Representatives §§ 6743-54 (1907). This practice was referred to by Senators Vandenberg and LaFollette in support of the statutory form of rule changes in the Legislative Reorganization Act. 92 Cong. Rec. 6392-93 (1946).

these statutes every two years. Nor must the House readopt 2 U.S.C. §§ 192, 194, which in part govern the internal congressional procedures for reporting and certifying a contempt of Congress, and under which appellants were reported and certified as in contempt of the Committee and indicted. See *Wilson* v. *United States,* 369 F.2d 198 (D.C. Cir. 1966).

In short, contrary to appellee's contentions, the Legislative Reorganization Act creates and governs the rules of the House and if anything it is House Resolution 8 that is surplusage. That Resolution is most revealing. It states that "all applicable provisions of the Legislative Reorganization Act of 1946 as amended, be, and they are hereby adopted as the Rules of the House of Representatives. . . . " H. Res. 8, 111 Cong. Rec. 21 (89th Cong. 1st Sess. Jan. 4, 1965).

House Resolution 8 assumes and is founded upon the continued viability of the Legislative Reorganization Act because:

1) It refers to the Act "as amended";
2) It refers to the Act as "applicable" and permits the terms of the Act to govern "applicability";
3) It incorporates by a single reference the myriad vital provisions for the functioning of the House as enacted in the Act.

The House Resolution understandably reasserts the underlying constitutional power to deviate from the Legislative Reorganization Act by the adoption of contrary rules. The House has not exercised that power in respect of Rule XI, Section 18q, of the Act establishing the Committee. The Act remains as the underlying authority for the Rules of the House.

B.

This Court, the Committee and the Executive Branch Have Uniformly Acknowledged That The Committee's Existence and Authority Are Based Upon an Act of Congress.

The lack of substance of appellees' contentions about the Legislative Reorganization Act is further demonstrated by the uniform acknowledgment of the Act as a source of authority by every organ of government which has expressed itself on the subject. This Court, in both majority and dissenting opinions, the Committee in its formal statements of its own authority, and the Department of Justice in the indictments in this very case, and in briefs submitted to the Court of Appeals in this very case* all uniformly acknowledge that the Legislative Reorganization Act is a statutory source of authority for the existence and functioning of the Committee. In view of the extensive and widely heralded congressional deliberations preceding the enactment of the Act, any other posture would have been inconceivable.

The Committee has cited the Act as the basis for its authority in each of its many publications issued from 1946 through 1967. For example, the Committee resolution authorizing the May, 1965, hearings in Chicago cites "Public Law 601" as the law which created the Committee. (Ex. 50, p. 326.) The Chairman of the Committee announced at the outset of those hearings that the Committee "is authorized by a rule of the House *and a Federal statute.*

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* In their briefs to the Court of Appeals in the instant case the prosecutor-appellees stated: "The authority of the Committee on Un-American Activities of the House of Representatives to conduct investigations is found in Public Law 601, 79th Congress (1946), Chapter 753, 2d Session, 60 Stat. 812." (Appellee's brief in No. 15268-69, p. 4; Appellee's brief in 15668-69, p. 8)

. . . " (Ex. 50, p. 327; emphasis added.) Beginning on June 28, 1967, *after* having belatedly claimed in this very case that no Act of Congress is involved*, the Committee for the first time in its history, without explanation, omitted its customary reference to the Legislative Reorganization Act of 1946 from its publications.**

The prosecution-appellees have also claimed that the Legislative Reorganization Act of 1946 is the Committee's enabling act and charter. The indictments returned against appellants on July 18, 1967, as similar indictments returned over the years against other witnesses, commence as follows:

> "The Committee on Un-American Activities of the House of Representatives, *created and authorized by the Legislative Re-Organization Act of 1946,* Chapter 753, Sections 121 and 136 (Public Law 601, 79th Congress, Second Session, 60 Stat. 812, 822, 823 and 828) and by House Resolution 8 of the 89th Congress, adopted by the House of Representatives of the United States on January 4, 1965." (Emphasis added.)

Accordingly, the belated claim of the Committee and of the Department of Justice that Rule XI is not an Act of Congress, never advanced before this case, is at odds with the prior consistent (and we respectfully suggest, the correct and commonly accepted view) published declarations of the Congress, the Committee itself and the Department of Justice that the Committee's existence and powers emanate from an Act of Congress.

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* Petition for Rehearing, pp. 29 to 31, filed in the Court of Appeals for the Seventh Circuit on January 3, 1967.

** 1966 Annual Report, H. Rep. 460 (1967), p. VI; Conduct of Espionage with the United States by Agents of Foreign Communist Governments (1967), p. IV.

In reviewing a number of criminal prosecutions for contempt of this Committee, this Court has repeatedly referred to the Legislative Reorganization Act as a grant of authority to the Committee. In *Watkins* v. *United States*, 354 U.S. 178, 203 (1957), this Court recognized that "the Committee's charter was embodied in the Legislative Reorganization Act." See also *Barenblatt* v. *United States*, 360 U.S. 109, 120, fn. 15 (1959); *Wilkinson* v. *United States*, 365 U.S. 399, 401, fn. 2 (1961); *Deutch* v. *United States*, 367 U.S. 456, 475-76 (1961) (Whitaker, J. dissenting).

C.

The Dual Source of the Mandate of the Committee Does Not Deprive the Three-Judge Court of Jurisdiction

Even if the Committee's authority is also derived from Rules of the House adopted at the commencement of each Congress,* as well as from the Legislative Reorganization Act of 1946, a three-judge court is necessary. Since the rule is already incorporated in and made a part of the 1946 Legislative Reorganization Act, at best the House Resolution creates a dual source of authority for the mandate. Since the authorizing resolution incorporates by reference "all applicable portions of the Legislative Reorganization Act of 1946, as amended," the 1946 Legislative Reorganization Act continues to apply and it follows that the need for a three-judge court under 28 U.S.C. §2282 is in play. (H Res. 8, 89th Cong., 1st Sess., Jan. 4, 1965.)

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* Appellants contend that those rules are "Acts of Congress" as those words are used in Section 2282; see Part E below.

As Chief Judge Bazelon said in his dissenting opinion, in *Krebs* v. *Ashbrook,* 275 F.Supp. 111, 119-20 (D.D.C. 1967):

> "By incorporating Rule XI into the Legislative Reorganization Act of 1946, 60 Stat. 812, Congress established a dual authorization for the House Committee on Un-American Activities. The Committee itself has not hesitated to state that it derives its mandate from an Act of Congress as well as from rules of the House. In my view, therefore, this case does involve an injunction to restrain enforcement of an Act of Congress and falls within provisions of 28 U.S.C. 2282. *The fact that plaintiffs are also trying to enjoin enforcement of a rule of the House does not render §2282 inoperative.*" (Emphasis added.)

The holding of this Court in *Florida Lime and Avocado Growers, Inc.* v. *Jacobsen,* 362 U.S. 73 (1960), dealing with the similar provisions of Section 2281 (relating to state statutes) is dispositive. The plaintiffs sought to enjoin the enforcement of a state statute on dual grounds, constitutional as well as non-constitutional. It was alleged that a California statute was violative of the Commerce and Equal Protection Clauses of the United States Constitution and of a federal statute. A three-judge court was convened, but it dismissed the action on the ground that Section 2282 applied only where either the sole ground or all grounds of attack were constitutional and that since one of the dual claims of invalidity was predicated on a federal statute, Section 2281 had been improperly invoked. This Court reversed (362 U.S. at 84-85):

> "To hold that only one judge may hear and decide an action to enjoin the enforcement of a state statute on both constitutional and nonconstitutional grounds would be to ignore the explicit language and the manifest purpose of § 2281, which is to provide for a three-

> judge court whenever an injunction sought against a state statute may be granted on federal constitutional grounds. Where a complaint seeks to enjoin a state statute on substantial grounds of federal unconstitutionality, then even though nonconstitutional grounds of attack are also alleged, we think the case is one that is '*required* by . . . Act of Congress to be heard and determined by a district court of *three* judges.'" (Emphasis in original.)

This rule has been uniformly followed by this Court. *Flast* v. *Cohen*, 392 U.S. 83, 90-91 (1968); *Zemel* v. *Rusk*, 381 U.S. 1, 5-6 (1965).

If a three-judge court is required to hear an attack upon a statute on both constitutional and non-constitutional grounds, it follows that a three-judge court is required to hear a constitutional attack upon an enactment which is contained in an Act of Congress and referred to in a House resolution.

D.

In Any Event, a Three-Judge Court Is Required to Hear Cases Involving Rule XI of the House of Representatives

Even if it be assumed, despite the authority to the contrary to which we have directed attention, that the Committee's authority is derived exclusively from House Resolution 8 of the 89th Congress, a three-judge court was nevertheless properly convened.

It is highly anomalous that appellees, members of the Congress and officers of the United States Government, urge otherwise. Section 2282 was intended "to prevent a single federal judge from being able to paralyse totally the operation of an entire regulatory scheme . . . by issuance of a broad injunctive order." *Kennedy* v. *Mendoza-Martinez*, 372 U.S. 144, 155 (1963). The significance of congressional resolutions, and the deference owed them by the

courts, have been explained in *United States* v. *Rumely,* 345 U.S. 41 (1953). In that case this Court affirmed the reversal of a conviction for contempt of Congress by a witness summoned before a House Select Committee on Lobbying Activities which was established pursuant to a resolution of the House. This Court criticized the extremely vague language of the authorizing resolution, and adverted to the serious constitutional difficulties posed if the language of the resolution were to be construed to apply to the defendant.* This Court said (345 U.S. at 43, 45):

> "Although we are here dealing with a resolution of the House of Representatives, *the problem is much the same as that which confronts the Court when called upon to construe a statute* that carries the seeds of constitutional controversy. . . .
>
> * * *
>
> "Patently, the Court's duty to avoid a constitutional issue, if possible, applies not merely to legislation *technically speaking* but also to congressional action by way of resolution. [Citation.]" (Emphasis added.)

Like appreciation for the significance of congressional resolutions was shown in *Methodist Federation For Social Action* v. *Eastland,* 141 F. Supp. 729 (D.D.C. 1956). There a three-judge district court affirmed its jurisdiction to pass upon the merits of a complaint seeking to enjoin the Public Printer and the Superintendent of Documents from printing an allegedly false and defamatory Senate document pursuant to a Senate concurrent resolution. The complaint charged that the concurrent resolution violated plaintiff's constitutional rights. The court held by a two-

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* The Court held that the resolution did not authorize the investigation of defendant. The *Rumely* case was followed in the last Term in *Schneider* v. *Smith,* 390 U.S. 17, 26-27 (1968) (statute construed to avoid constitutional issue).

to-one majority that the complaint failed to state a claim on which relief could be granted. The dissenting judge set forth his reasoning on the merits at length, but as to the question of three-judge court jurisdiction, the existence of which was recognized by the majority, he said (141 F. Supp. at 736):

> "The defendants say, 'The Court lacks jurisdiction of the subject matter in that Senate Concurrent Resolution Numeral 62 is not an act of Congress within the meaning of 28 U.S.C. Secs. 2282, 2284.' It seems inconceivable that Congress would recognize the power of such a three-judge court as this to restrain 'the enforcement, operation, or execution of any act of Congress or order of any department or agency of the United States for repugnance to the Constitution', and exclude from its consideration a Senate Concurrent Resolution."

In *Bond* v. *Floyd,* 385 U.S. 116 (1966), the plaintiff sought declaratory and injunctive relief against the enforcement of a resolution of the Georgia House of Representatives excluding him from his seat therein, as violative of his First Amendment rights. Plaintiff's appeal from the adverse ruling by a statutory three-judge district court was accepted by this Court under Section 1253, without apparent controversy (385 U.S. at 126.)

The decision of the Court of Appeals for the District of Columbia in *Powell* v. *McCormack,* 395 F.2d 577 (D.C. Cir. 1968), petition for writ of certiorari pending No. 138, is inapplicable. The Court of Appeals there held that a resolution of the House of Representatives denying a congressman his seat was not an "Act of Congress" within the meaning of Section 2282 since "it creates no broad statutory scheme which would be frustrated by injunctive relief,

and it does not contain the attributes of the usual 'Act of Congress'." (395 F.2d at 603.)*

This holding is of course inapposite because this case unlike *Powell* involves not only a resolution but an enactment that is clearly an Act of Congress. See Section A, above. In any event, whatever the scope of the resolution in issue in the *Powell* case, many congressional resolutions have the effect of a "broad statutory scheme," as the one in the case at bar. See Corwin, ed. The Constitution of the United States of America, 104 (1952). Indeed, in their petition for rehearing *en banc* in the United States Court of Appeals for the Seventh Circuit, the Committee asserted and relied upon a claim that judicial consideration of appellants' challenge to Rule XI would have far-reaching and "disastrous" effects. (Petition, pp. 2-3, 11-12.)

Acting under its charter, the members of the Committee and their predecessors have held some 174 hearings and summoned over 3,000 witnesses. (Appendix 5, p. 10, Table 1.) These hearings have been held in at least 32 cities outside of the District of Columbia, and in many cities more than one hearing was held. Many citizens have been prosecuted criminally as a result of appearances before the Committee. The Committee has circulated millions of its publications. See Appendix 4, pp. 134-138. As alleged in the complaint the Committee has deliberately held hundreds of witnesses up to public obloquy at hearings and in its reports and public actions.

The statutory three-judge court is created for the protection of the Government and of the public. It is to pro-

* In *Powell,* the extensive majority and concurring opinions were principally directed to the propriety of judicial review over rules and acts of the House of Representatives respecting its own membership.

vide for a three-judge rather than a single-judge court so as to bring to bear in these normally far-reaching and all important cases the combined judgment of one Circuit and two District Judges rather than a single District Judge. No transitory tactical purpose can justify the assertion that this protective device applies to resolutions of state legislatures but does not apply to far-reaching resolutions of the national legislature of the character under attack in this case. If Congress required in Section 2282 that a three-judge court must pass upon the constitutionality of (for example) an enactment for a federal dam project, it surely intended the protection of a three-judge court to determine the validity of a rule or resolution directly affecting the Congress itself and affecting the rights, privileges and immunities of citizens. (See *Oklahoma ex rel. Phillips* v. *Guy F. Atkinson Co.*, 37 F. Supp. 93 (E.D. Okla. 1941), affd. 313 U.S. 508 (1941).)

II.

THE GROUNDS FOR AFFIRMANCE ADVANCED BY APPELLEES WERE UNANIMOUSLY AND CORRECTLY REJECTED BY THE COURT BELOW.

Appellees have shown scant interest in supporting the judgment appealed from on the ground relied on by the majority of the court below, *viz.*, the Speech or Debate Clause. Rather, appellees have shifted in this Court to a host of grounds for affirmance which are not even mentioned in the opinion of the court below, and indeed which were tendered to and rejected by the Court of Appeals for the Seventh Circuit and by all members of the three-judge court. (See Motion to Dismiss or Affirm, p. 18.)

The various grounds for affirmance urged by the Solicitor will be found in the briefs filed with the Court of Appeals in support of Judge Hoffman's original dismissal of the

complaints, and with the three-judge court in support of appellees' renewed motions to dismiss the complaints following the Court of Appeals' reversal.

The court below *unanimously* denied appellees' motions to dismiss, and directed appellees to answer the complaints. (4 R. 52, Nov. 8, 1967). The brief discussion of these contentions which follows is submitted in the event this Court deems that they are properly raised at this time.

MOOTNESS

[Motion to Dismiss or Affirm, p. 13.]

The Committee first argued that this case was moot in August, 1965, in a motion to dismiss appellants' first appeal to the Court of Appeals. (Filed August 19, 1965, p. 4.) The claim was renewed in the Court of Appeals on the ground that the hearings had been held. (Appellees' Brief, No. 15268-9, pp. 20-21). In their petition for rehearing *en banc* to the Court of Appeals, the Committee argued the case was moot because the House of Resolutions had adopted contempt resolutions. (Petition, pp. 31-34). Appellees argued to the three-judge court that the return of indictments against appellees rendered the case moot. (Appellees' Memorandum in Support of Motion to Dismiss, pp. 12-16.)

All of these contentions were rejected by all of the judges who sat on the case.

This case is far from moot. Appellants are under indictment and face imminent prosecution. They ask the court to enter a judgment declaring the Committee's enabling Act to be unconstitutional, and that the May, 1965 hearings and the subpoenaes served on appellants were invalid, and to enjoin further operation and enforcement of that Act and further prosecution of the criminal cases against appellants.

STANDING

[Motion to Dismiss or Affirm, p. 18.]

This argument also has been repeatedly advanced by appellees*, but with no greater acceptance than the others discussed in this part.

It borders on the ludicrous to urge that appellants lack standing. They have been singled out for compulsory appearance before the Committee, and as a direct result they stand indicted for a federal crime. They have intense, concrete, personal interest in the outcome, and adequately represent all other citizens similarly situated. Of their standing to maintain this action there can be no doubt. *Joint Anti-Fascist Refugee Committee* v. *McGrath,* 341 U.S. 123, 140-141 (1951); *Cramp* v. *Board of Public Instruction,* 368 U.S. 278, 284 (1961); *Baker* v. *Carr,* 369 U.S. 186, 208 (1962); *Flast* v. *Cohen,* 392 U.S. 83, 99-103 (1968).

ADEQUATE REMEDY IN DEFENSE OF CRIMINAL CASES.

[Motion to Dismiss or Affirm, pp. 13-16]

This argument** too has been rejected by the Court of Appeals and by the three-judge court.

One of the primary purposes of these cases is to obtain adjudication of appellants' constitutional claims in a civil rather than a criminal forum, in order to avoid the obloquy of a criminal trial and in order to secure a judgment which will have precedential value rather than a jury verdict of guilty or not guilty.

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* Appellees' Brief, No. 15268-9, pp. 22-23; Appellees' Petition for Rehearing en Banc, pp. 23-26; Appellees' Memorandum in Support of Motion to Dismiss, pp. 17-22.

** Appellees' Brief, No. 15268-9, pp. 22, 27-31; Appellees' Petition for Rehearing en Banc, p. 27; Appellees' Memorandum in Support of Motion to Dismiss, pp. 38-42.

The Solicitor agrees that *Dombrowski v. Pfister*, 380 U.S. 479 (1965), sets forth special standards for equitable relief from criminal prosecutions in the area of First Amendment rights, and that the principles in that case apply to federal as well as to state statutes. Furthermore, the Solicitor concedes, as he must, that this case "involves allegations of a 'chilling effect' on appellants' and others' exercise of their First Amendment rights, and assertions that this effect is the result of an overbroad enactment uncontained by acceptable narrowing constructions."* (Motion to Dismiss or Affirm, p. 14.)

The Solicitor argues however that this case is distinguishable from *Dombrowski* and similar cases in "one crucial respect", that is, "the allegations of 'chill' entirely lack the personal concreteness" of past cases where defense of a criminal prosecution " 'will not assure adequate vindication of constitutional rights' . . ." (Motion to Dismiss or Affirm, p. 14.)

This contention ignores the allegations of appellants' complaint, *which stand admitted* at this phase of the case. It is hard to imagine allegations which more directly involve:

1. Personal, concrete, adverse impact of a statute upon appellants.

2. Personal, concrete, adverse impact of a statute upon other citizens similarly situated.

3. The existence of a far reaching chilling effect impairing and restricting the exercise of First Amendment

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*Appellants also contend that subsequent narrowing construction would not cure the Act. *Whitehill* v. *Elkins*, 389 U.S. 54 (1967); Jurisdictional Statement of Appellants Stamler and Hall, pp. 39-40.

rights throughout the society at large.* (See Jurisdictional Statement of Appellants Stamler and Hall, pp. 18-20.)

At this juncture, appellants' need for equitable relief must be determined on the basis of the allegations of their complaints. Whether or not appellants will establish facts which bring this case within the principles of *Dombrowski* and similar cases must, of course, await the trial.

SEPARATION OF POWERS

[Motion to Dismiss or Affirm, pp. 6-19.]

In making this contention, appellees cite the same cases as they have throughout this case.** Not one of the many judges who have considered this case has accepted this argument.

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* Contrary to the appellees' statement, the factual circumstances in *Dombrowski* are extremely close to the facts presented in the case at bar:

(i) Here, as in *Dombrowski*, at the time of the filing of the complaints, there were no indictments pending against appellants.

(ii) Here, as in *Dombrowski*, appellants were threatened with criminal prosecution when the second complaint was filed.

(iii) Here, as in *Dombrowski*, criminal indictments were instituted against the appellants during the pendency of the civil case.

(iv) Here, as in *Dombrowski*, the appellants alleged that the statute was being applied in bad faith to deter the free exercise of First Amendment rights and not to obtain valid convictions.

(v) Here, as in *Dombrowski*, the appellants challenge the facial constitutionality of a statute operating in the area of the First Amendment rights.

(vi) Here, as in *Dombrowski*, success in defense of a criminal prosecution will not vindicate and protect the First Amendment rights of appellants and others threatened and inhibited by the statute.

** *Fischler* v. *McCarthy*, 117 F. Supp. 643 (S.D.N.Y. 1954), affirmed on other grounds, 218 F.2d 164 (2d Cir. 1954); *Pauling* v. *Eastland*, 288 F.2d 126 (D.C. Cir. 1960), cert. denied 364 U.S. 900; *Methodist Federation* v. *Eastland*, 141 F.Supp. 729 (D.D.C. (1956). Appellees' Brief, No. 15268-9, pp. 33-38; Appellees' Petition for Rehearing en Banc, pp. 10-15; Appellees' Memorandum in Support of Motion to Dismiss, pp. 42-49.

Appellants do not seek to interfere with the internal operations of Congress. Rather, they seek relief from an unconstitutional Act of Congress. The court's power to adjudicate this issue and award appropriate relief is beyond question. *Marbury* v. *Madison,* 5 U.S. (1 Cranch) 137, 177-78 (1803); *Kilbourn* v. *Thompson,* 103 U.S. 168, 199 (1880).

Nor can there be any doubt that the United States Constitution limits the activities of federal congressional investigating committees, and that the courts have authority to rule upon the legality of committee procedures. See, e.g., *Kilbourn* v. *Thompson,* 103 U.S. 168 (1880); *Yellin* v. *United States,* 374 U.S. 109 (1963); *Gojack* v. *United States,* 384 U.S. 702 (1966); *Watkins* v. *United States,* 354 U.S. 178 (1957).

JUSTICIABILITY

[Motion to Dismiss or Affirm, pp. 18, 20-21.]

The justiciability of this case cannot be seriously questioned.* There is presented here a "substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment. . . ." *Evers* v. *Dwyer,* 358 U.S. 202, 203-4 (1958). There is nothing abstract about appellants' challenge to the Committee's charter or to their prayer for declaratory and injunctive relief concerning the charter and the pending criminal prosecutions.

Appellees argue that in the future the House of Rrepresentatives may repeal the Committee's authorization, and that the Committee's membership and procedures may change. (Motion, p. 18.) This speculation—which is in the teeth of 22 years of unhappy experience—does not

* Appellees' Brief, No. 15268-9, pp. 22-23; Appellees' Petition for Rehearing en Banc, pp. 26-29; Appellees' Memorandum in Support of Motion to Dismiss, pp. 19-22.

meet the issue. Every Act of Congress may be repealed or amended, or its mode of enforcement changed, but those possibilities do not prevent courts from adjudicating rights under those Acts or their constitutionality. See *Marbury v. Madison,* 5 U.S. (1 Cranch) 137 (1803).

CONCLUSION.

Appellees have written off the reasoning of the majority of the court below. They assert instead objections to this Court's direct appellate jurisdiction and defenses to the complaint, all of which were rejected by both the three-judge court and the Court of Appeals.

Appellants pray that the Court reverse the judgment below.

Respectfully submitted,

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APPENDIX

APPENDIX A

LEGISLATIVE REORGANIZATION ACT OF 1946

[Title I and Title II]

CHAPTER 753—PUBLIC LAW 601

[S. 2177]

An Act to provide for increased efficiency in the legislative branch of the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

SHORT TITLE

(a) This Act, divided into titles and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1946":

TABLE OF CONTENTS

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

Sec. 101. Rule-making power of the Senate and House.

PART 1—STANDING RULES OF THE SENATE

Sec. 102. Standing committees of the Senate.
Committee on Agriculture and Forestry.
Committee on Appropriations.
Committee on Armed Services.
Committee on Banking and Currency.
Committee on Civil Service.
Committee on the District of Columbia.
Committee on Expenditures in the Executive Departments.

Committee on Finance.
Committee on Foreign Relations.
Committee on Interstate and Foreign Commerce.
Committee on the Judiciary.
Committee on Public Lands.
Committee on Public Works.
Committee on Rules and Administration.

Sec. 103. Appropriations.

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Sec. 121. Standing committees of the House of Representatives.

Committee on Agriculture.
Committee on Appropriations.
Committee on Armed Services.
Committee on Banking and Currency.
Committee on Post Office and Civil Service.
Committee on the District of Columbia.
Committee on Education and Labor.
Committee on Expenditures in the Executive Departments.
Committee on Foreign Affairs.
Committee on House Administration.
Committee on Interstate and Foreign Commerce.
Committee on the Judiciary.
Committee on Merchant Marine and Fisheries.
Committee on Public Lands.
Committee on Public Works.
Committee on Rules.
Committee on Un-American Activities.
Committee on Veterans' Affairs.
Committee on Ways and Means.

Sec. 122. Delegates and Resident Commissioner.
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Sec. 131. Private bills banned.
Sec. 132. Congressional adjournment.
Sec. 133. Committee procedure.
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Sec. 135. Conference rules on amendments in nature of substitute.
Sec. 136. Legislative oversight by standing committees.
Sec. 137. Decisions on questions of committee jurisdiction.
Sec. 138. Legislative Budget.
Sec. 139. Hearings and reports by Appropriations Committees.
Sec. 140. Records of Congress.
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Sec. 201. Increase in compensation for certain Congressional officers.
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Sec. 207. Correction of Military and Naval Records.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

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Sec. 225. Joint Committee on the Economic Report.
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PART 3—Provisions Relating To Capitol And Pages

Sec. 241. Remodeling of caucus rooms and restaurants.
Sec. 242. Assignment of Capitol space.
Sec. 243. Senate and House pages.
Sec. 244. Authorization of appropriations and personnel.
Sec. 245. Effective date.

TITLE III—REGULATION OF LOBBYING ACT

Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Detailed accounts of contributions.
Sec. 304. Receipts for contributions.
Sec. 305. Statements to be filed with Clerk of House.
Sec. 306. Statement preserved for two years.
Sec. 307. Persons to whom applicable.
Sec. 308. Registration with Secretary of the Senate and Clerk of the House.
Sec. 309. Reports and statements to be made under oath.
Sec. 310. Penalties.
Sec. 311. Exemption.

TITLE IV—FEDERAL TORT CLAIMS ACT

PART 1—Short Title And Definitions

Sec. 401. Short title.
Sec. 402. Definitions.

PART 2—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

Sec. 403. Claims of $1,000 or less.
Sec. 404. Reports.

PART 3—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

Sec. 410. Jurisdiction.
Sec. 411. Procedure.
Sec. 412. Review.
Sec. 413. Compromise.

PART 4—PROVISIONS COMMON TO PART 2 AND PART 3

Sec. 420. One year statute of limitations.
Sec. 421. Exceptions.
Sec. 422. Attorneys' fees.
Sec. 423. Exclusiveness of remedy.
Sec. 424. Certain statutes inapplicable.

TITLE V—GENERAL BRIDGE ACT

Sec. 501. Short title.
Sec. 502. Consent of Congress.
Sec. 503. Tolls.
Sec. 504. Acquisition by public agencies.
Sec. 505. Statements of cost.
Sec. 506. Sinking fund.
Sec. 507. Applicability of title.
Sec. 508. International bridges.
Sec. 509. Eminent domain.
Sec. 510. Penalties.
Sec. 511. Rights reserved.

TITLE VI—COMPENSATION AND RETIREMENT PAY OF MEMBERS OF CONGRESS

Sec. 601. Compensation of Members of Congress.
Sec. 602. Retirement pay of Members of Congress.

SEPARABILITY CLAUSE

(b) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

TITLE I—CHANGES IN RULES OF SENATE AND HOUSE

Rule-Making Power Of The Senate And House

Sec. 101. The following sections of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

PART 1—Standing Rules of the Senate

STANDING COMMITTEES OF THE SENATE

Sec. 102. Rule XXV of the Standing Rules of the Senate is amended to read as follows:

"Rule XXV

"STANDING COMMITTEES

"(1) The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a) Committee on Agriculture and Forestry, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations, to consist of twenty-one Senators, to which committee shall be referred

all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and sailors' homes.

"5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

"11. Conservation, development, and use of naval petroleum and oil shale reserves.

"12. Strategic and critical materials necessary for the common defense.

"(d) Committee on Banking and Currency, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver; including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"(e) Committee on Civil Service, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of socities.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) (1) Committee on Expenditures in the Executive Departments, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(h) Committee on Finance, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Revenue measures generally.

"2. The bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. Tariffs and import quotas, and matters related thereto.

"9. National social security.

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans.

"(i) Committee on Foreign Relations, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Relations of the United States with foreign nations generally.

"2. Treaties.

"3. Establishment of boundary lines between the United States and foreign nations.

"4. Protection of American citizens abroad and expatriation.

"5. Neutrality.

"6. International conferences and congresses.

"7. The American National Red Cross.

"8. Intervention abroad and declarations of war.

"9. Measures relating to the diplomatic service.

"10. Acquisitions of land and buildings for embassies and legations in foreign countries.

"11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"12. United Nations Organization and international financial and monetary organizations.

"13. Foreign loans.

"(j) Committee on Interstate and Foreign Commerce, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate railroads, busses, trucks, and pipe lines.

"3. Communication by telephone, telegraph, radio, and television.

"4. Civil aeronautics.

"5. Merchant marine generally.

"6. Registering and licensing of vessels and small boats.

"7. Navigation and the laws relating thereto, including pilotage.

"8. Rules and international arrangements to prevent collisions at sea.

"9. Merchant marine officers and seamen.

"10. Measures relating to the regulation of common carriers by water and to the inspection of merchant vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

"11. Coast and Geodetic Survey.

"12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts.

"13. The United States Coast Guard and Merchant Marine Academies.

"14. Weather Bureau.

"15. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.

"16. Inland waterways.

"17. Fisheries and wildlife, including research, restoration, refuges and conservation.

"18. Bureau of Standards including standardization of weights and measures and the metric system.

"(k) Committee on the Judiciary, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"(*l*) Committee on Labor and Public Welfare, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Measures relating to education, labor, or public welfare generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"12. United States Employees' Compensation Commission.

"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeth's Hospital.

"14. Public health and quarantine.

"15. Welfare of miners.

"16. Vocational rehabilitation and education of veterans.

"17. Veterans' hospitals, medical care and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life.

"(m) Committee on Public Lands, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting their revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(n) The Committee on Public Works, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads.

"(*o*) (1) Committee on Rules and Administration, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paragraph (n) 8, matters relating to the Library of Congress and the Senate Li-

brary; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(C) Except as provided in paragraph (n) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Building and of the Senate Wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the Congressional Record.

"(2) Such committee shall also have the duty of examining all bills, amendments, and joint resolutions after passage by the Senate; and, in cooperation with the Committee on House Administration of the House of Representatives, of examining all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate. Such committee shall also have the duty of assigning office space in the Senate Wing of the Capitol and in the Senate Office Building.

"(3) Each standing committee shall continue and have the power to act until their successors are appointed.

"(3) Each standing committee is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133 (d) of the Legislative Reorganization Act of 1946.

"(4) Each Senator shall serve on two standing committees and no more; except that Senators of the majority party who are members of the Committee on the District of Columbia or of the Committee on Expenditures in the Executive Departments may serve on three standing committees and no more."

APPROPRIATIONS

Sec. 103. Rule XVI of the Standing Rules of the Senate is amended to read as follows:

"RULE XVI

"AMENDMENTS TO APPROPRIATION BILLS

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or Act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing

new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like mananer, amendments proposing new items of appropriation to river and harbor bills, establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Public Works.

"4. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule,

when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the aannual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

Name of Committee	Purpose of Appropriation
Committee on Agriculture and Forestry	For the Department of Agriculture.
Committee on Civil Service	For the Post Office Department.
Committee on Armed Services	For the Department of War; for the Department of the Navy.
Committee on the District of Columbia	For the District of Columbia.
Committee on Public Works	For Rivers and Harbors.
Committee on Foreign Relations	For the Diplomatic and Consular Service.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their

respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order."

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Sec. 121. (a) Rule X of the Rules of the House of Representatives is amended to read as follows:

"RULE X

"STANDING COMMITTEES

"(a) There shall be elected by the House, at the commencement of each Congress, the following standing committees:

"1. Committee on Agriculture, to consist of twenty-seven Members.

"2. Committee on Appropriations, to consist of forty-three Members.

"3. Committee on Armed Services, to consist of thirty-three Members.

"4. Committee on Banking and Currency, to consist of twenty-seven Members.

"5. Committee on Post Office and Civil Service, to consist of twenty-five Members.

"6. Committee on the District of Columbia, to consist of twenty-five Members.

"7. Committee on Education and Labor, to consist of twenty-five Members.

"8. Committee on Expenditures in the Executive Departments, to consist of twenty-five Members.

"9. Committee on Foreign Affairs, to consist of twenty-five Members.

"10. Committee on House Administration, to consist of twenty-five Members.

"11. Committee on Interstate and Foreign Commerce, to consist of twenty-seven Members.

"12. Committee on the Judiciary, to consist of twenty-seven Members.

"13. Committee on Merchant Marine and Fisheries, to consist of twenty-five Members.

"14. Committee on Public Lands, to consist of twenty-five Members.

"15. Committee on Public Works, to consist of twenty-seven Members.

"16. Committee on Rules, to consist of twelve Members.

"17. Committee on Un-American Activities, to consist of nine Members.

"18. Committee on Veterans' Affairs, to consist of twenty-seven Members.

"19. Committee on Ways and Means, to consist of twenty-five Members.

"(b) (1) The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

"(2) At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof; in the temporary absence of the chairman, the Member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

"(3) All vacancies in standing committees in the House shall be filled by election by the House. Each Member shall be elected to serve on one standing committee and no more; except that Members who are elected to serve on the Committee on the District of Columbia or on the Committee on Un-American Activities may be elected to serve on two standing committees and no more, and Members of the majority party who are elected to serve on the Committee on Expenditures in the Executive Departments or on the Committee on House Administration may be elected to serve on two standing committees and no more."

(b) Rule XI of the Rules of the House of Representatives is amended to read as follows:

"RULE XI

"POWER AND DUTIES OF COMMITTEES

"(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively: *Provided,* That unless otherwise provided herein, any matter within the jurisdiction of a standing committee prior to January 2, 1947, shall remain subject to the jurisdiction of that committee or of the consolidated committee succeeding generally to the jurisdiction of that committee.

"(a) Committee on Agriculture.

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(b) Committee on Appropriations.

"1. Appropriation of the revenue for the support of the Government.

"(c) Committee on Armed Services.

"1. Common defense generally.

"2. The War Department and the Military Establishment generally.

"3. The Navy Department and the Naval Establishment generally.

"4. Soldiers' and Sailors' homes.

"5. Pay, promotion, retirement, and other benefits and priveleges of members of the armed forces.

"6. Selective service.

"7. Size and composition of the Army and Navy.

"8. Forts, arsenals, military reservations, and navy yards.

"9. Ammunition depots.

"10. Conservation, development, and use of naval petroleum and oil shale reserves.

"11. Strategic and critical materials necessary for the common defense.

"12. Scientific research and development in support of the armed services.

"(d) Committee on Banking and Currency.

"1. Banking and currency generally.

"2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System .

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

(e) Committee on Post Office and Civil Service.

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(f) Committee on the District of Columbia.

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(g) Committee on Education and Labor.

"1. Measures relating to education or labor generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. United States Employees' Compensation Commisison.

"12. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.

"13. Welfare of miners.

"(h) (1) Committee on Expenditures in the Executive Departments.

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganizations in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of slub-

mitting such recommendations to the House as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(i) Committee on Foreign Affairs.

"1. Relations of the United States with foreign nations generally.

"2. Establishment of boundary lines between the United States and foreign nations.

"3. Protection of American citizens abroad and expatriation.

"4. Neutrality.

"5. International conferences and congresses.

"6. The American National Red Cross.

"7. Intervention aroad and declarations of war.

"8. Measures relating to the diplomatic service.

"9. Acquisition of land and buildings for embassies and legations in foreign countries.

"10. Measures to foster commerical intercourse with foreign nations and to safeguard American business interests abroad.

"11. United Nations Organization and international financial and monetary organizations.

"12. Foreign loans.

"(j) (1) Committee on House Administration.

"(A) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.

"(B) Expenditure of the contingent fund of the House.

"(C) The auditing and settling of all accounts which may be charged to the contingent fund.

"(D) Measures relating to accounts of the House generally.

"(E) Appropriations from the contingent fund.

"(F) Measures relating to services to the House, including the House Restaurant and administration of the House Office Buildings and of the House wing of the Capitol.

"(G) Measures relating to the travel of Members of the House.

"(H) Measures relating to the assignment of office space for Members and committees.

"(I) Measures relating to the disposition of useless executive papers.

"(J) Except as provided in paragraph (*o*) 8, matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance or purchase of works of

art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(K) Except as provided in paragraph (*o*) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(L) Matters relating to printing and correction of the Congressional Record.

"(M) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

"(2) Such committee shall also have the duty of—

"(A) examining all bills, amendments, and joint resolution after passage by the House; and in cooperation with the Senate Committee on Rules and Administration, of examining all bills and joint resolutions which shall have passed both Houses, to see that they are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the House, to the President of the United States in person, and report the fact and date of such presentation to the House;

"(B) reporting to the Sergeant at Arms of the House the travel of Members of the House;

"(C) arranging a suitable program for each day observed by the House of Representatives as a memorial day in memory of Members of the Senate and House of Representatives who have died during the preceding period, and to arrange for the publication of the proceedings thereof.

"(k) Committee on Interstate and Foreign Commerce.

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate and foreign transportation, except transportation by water not subject to the jurisdiction of the Interstate Commerce Commission.

"3. Regulation of interstate and foreign communications.

"4. Civil aeronautics.

"5. Weather bureau.

"6. Interstate oil compacts; and petroleum and natural gas, except on the public lands.

"7. Securities and exchanges.

"8. Regulation of interstate transmission of power, except the installations of connections between Government water power projects.

"9. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"10. Public health and quarantine.

"11. Inland waterways.

"12. Bureau of Standards, standardization of weights and measures, and the metric system.

"(*l*) Committee on the Judiciary.

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trade-marks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"19. Presidential succession.

"(m) Committee on Merchant Marine and Fisheries.

"1. Merchant marine generally.

"2. Registering and licensing of vessels and small boats.

"3. Navigation and the laws relating thereto, including pilotage.

"4. Rules and international arrangements to prevent collisions at sea.

"5. Merchant marine officers and seamen.

"6. Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

"7. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

"8. United States Coast Guard and Merchant Marine Academies.

"9. Coast and Geodetic Survey.

"10. The Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

"11. Fisheries and wildlife, including research, restoration, refuges,and conservation.

"(n) Committee on Public Lands.

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to Hawaii, Alaska, and the insular possessions of the United States, except those affecting the revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation on the public lands and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(*o*) Committee on Public Works.

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, courthouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measures relating to the Capitol Building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botonic Gardens, the Library of Congress and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor; but it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

"(p) Committee on Rules.

"1. The rules, joint rules, and order of business of the House.

"2. Recesses and final adjournments of Congress.

"(q) (1) Committee on Un-American Activities.

"(A) Un-American activities.

"(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time

to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

"The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

"For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

"(r) Committee on Veterans' Affairs.

"1. Veterans' measures generally.

"2. Pensions of all wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation, vocational rehabilitation, and education of veterans.

"5. Veterans' hospitals, medical care, and treatment of veterans.

"6. Soldiers' and sailors' civil relief.

"7. Readjustment of servicemen to civil life.

"(s.) Committee on Ways and Means.

"1. Revenue measures generally.

"2. The bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. National social security.

"(2) (a) The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules—on rules, joint rules, and order of business; the Committee on House Administration—on the right of a Member to his seat, enrolled bills, on all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House; the Committee on Ways and Means—on bills raising revenue; the Committee on Appropriations—on the general appropriation bills; the Committee on Public Works—on bills authorizing the improvement of rivers and harbors; the Com-

mittee on the Public Lands—on bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, bills for the reservation of the public lands for the benefit of actual and bonafide settlers, and bills for the admission of new States; the Committee on Veterans Affairs—on general pension bills.

"(b) It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session), and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of rule XVI.

"(c) The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately, it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege and the Speaker shall recognize any member of the Rules Committee seeking recognition for that pur-

pose. If the Committee on Rules shall make an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint resolution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House any such adverse report, and it shall be in order to move the adoption by the House of said resolution adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege.

"(d) The Committee on House Administration shall make final report to the House in all contested-election cases not later than six months from the first day of the first regular session of the Congress to which the contestee is elected except in a contest from the Territory of Alaska, in which case the time shall not exceed nine months.

"(e) A standing committee of the House (other than the Committee on Appropriations) shall meet to consider any bill or resolution pending before it (A) on all regular meeting days selected by the committee; (B) upon the call of the chairman of the committee; (C) if the chairman of the committee, after three days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within seven calendar days from the date of said request, then, upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting.

"(f) The rules of the House are hereby made the rules of its standing committees so far as applicable, except that a motion to recess from day to day is hereby made a motion of high privilege in said committees."

DELEGATES AND RESIDENT COMMISSIONER

Sec. 122. Rule XII of the Standing Rules of the House of Representatives is amended to read as follows:

"RULE XII

"DELEGATES AND RESIDENT COMMISSIONER

"1. The Delegates from Hawaii and Alaska, and the Resident Commissioner to the United States from Puerto Rico, shall be elected to serve as additional members on the Committees on Agriculture, Armed Services, and Public Lands; and they shall possess in such committees the same powers and privileges as in the House, and may make any motion except to reconsider."

REFERENCE OF PRIVATE CLAIM BILLS

Sec. 123. Paragraph 3 of rule XXI of the Standing Rules of the House of Representatives is amended to read as follows:

"3. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, namely: To the Committee on Foreign Affairs and to the Committee on the Judiciary."

PART 3—PROVISIONS APPLICABLE TO BOTH HOUSES

PRIVATE BILLS BANNED

Sec. 131. No private bill or resolution (including so-called omnibus claims or pension bills), and no amend-

ment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in either the Senate or the House of Representatives.

CONGRESSIONAL ADJOURNMENT

Sec. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

COMMITTEE PROCEDURE

Sec. 133. (a) Each standing committee of the Senate and the House of Representatives (except the Committees on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee, and additional meetings may be called by the chairman as he may deem necessary.

(b) Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded.

(c) It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(d) No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present.

(e) Each such standing committee shall, so far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony, and to limit their oral presentations to brief summaries of their argument. The staff of each committee shall prepare digests of such statements for the use of committee members.

(f) All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

COMMITTEE POWERS

Sec. 134 (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

(b) Every committee and subcommittee serving the Senate and House of Representatives shall report the name, profession and total salary of each staff member employed by it, and shall make an accounting of funds appropriated to it and expended by it to the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, at least once every six months, and such information shall be published periodically in the Congressional Directory when and as the same is issued and as Senate and House documents, respectively, every three months.

(c) No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or the House, as the case may be, is in session.

CONFERENCE RULES ON AMENDMENTS IN NATURE OF SUBSTITUTION

Sec. 135. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

Sec. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary,

each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

DECISIONS ON QUESTIONS OF COMMITTEE JURISDICTION

Sec. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

LEGISLATIVE BUDGET

Sec. 138. (a) The Committee on Ways and Means and the Committee on Appropriations of the House of Representatives, and the Committee on Finance and the Committee on Appropriations of the Senate, or duly authorized subcommittees thereof, are authorized and directed to meet jointly at the beginning of each regular session of Congress and after study and consultation, giving due consideration to the budget recommendations of the President, report to their respective Houses a legislative budget for the ensuing fiscal year, including the estimated overall Federal receipts and expenditures for such year. Such report shall contain a recommendation for the maximum amount to be appropriated for expenditure in such year which shall include such an amount to be reserved for de-

ficiencies as may be deemed necessary by such committees. If the estimated receipts exceed the estimated expenditures, such report shall contain a recommendation for a reduction in the public debt. Such report shall be made by February 15.

(b) The report shall be accompanied by a concurrent resolution adopting such budget, and fixing the maximum amount to be appropriated for expenditure in such year. If the estimated expenditures exceed the estimated receipts, the concurrent resolution shall include a section substantially as follows: "That it is the sense of the Congress that the public debt shall be increased in an amount equal to the amount by which the estimated expenditures for the ensuing fiscal year exceed the estimated receipts, such amount being $."

HEARINGS AND REPORTS BY APPROPRIATIONS COMMITTEES

Sec. 139. (a) No general appropriation bill shall be considered in either House unless, prior to the consideration of such bill, printed committee hearings and reports on such bill have been available for at least three calendar days for the Members of the House in which such bill is to be considered.

(b) The Committees on Appropriations of the two Houses are authorized and directed, acting jointly, to develop a standard appropriation classification schedule which will clearly define in concise and uniform accounts the subtotals of appropriations asked for by agencies in the executive branch of the Government. That part of the printed hearings containing each such agency's request for appropriations shall be preceded by such a schedule.

(c) No general appropriation bill or amendment thereto shall be received or considered in either House if it

contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

(d) The Appropriations Committees of both Houses are authorized and directed to make a study of (1) existing permanent appropriations with a view to limiting the number of permanent appropriations and to recommend to their respective Houses what permanent appropriations, if any, should be discontinued and; (2) the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending to their respective Houses a uniform system of control with respect to such funds.

RECORDS OF CONGRESS

Sec. 140. (a) The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress all of the noncurrent records of the Congress and of each committee thereof and transfer them to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

(b) The Clerk of the House of Representatives is authorized and directed to collect all of the noncurrent records of the House of Representatives from the First to the Seventy-sixth Congress, inclusive, and transfer such records to the National Archives for preservation, subject to the orders of the Senate or the House, respectively.

PRESERVATION OF COMMITTEE HEARINGS

Sec. 141. The Librarian of the Library of Congress is authorized and directed to have bound at the end of each session of Congress the printed hearings of testimony taken by each committee of the Congress at the preceding session.

EFFECTIVE DATE

Sec. 142. This title shall take effect on January 2, 1947; except that this section and sections 140 and 141 shall take effect on the date of enactment of this Act.

TITLE II—MISCELLANEOUS

PART 1—Statutory Provisions Relating to Congressional Personnel

INCREASE IN COMPENSATION FOR CERTAIN CONGRESSIONAL OFFICERS

Sec. 201. (a) Effective January 1, 1947, the annual basic compensation of the elected officers of the Senate and the House of Representatives (not including the Presiding Officers of the Two Houses) shall be increased by 50 per centum; and the provisions of section 501 of the Federal Employees Pay Act of 1945, as amended by section 5 of the Federal Employees Pay Act of 1946, shall not be applicable to the compensation of said elected officers.

(b) There is hereby authorized to be appropriated annually for the "Office of the Vice President" the sum of $23,130; and there is hereby authorized to be appropriated annually for the "Office of the Speaker" the sum of $20,025.

(c) The Speaker, the majority leader, and the minority leader of the House of Representatives are each authorized to employ an administrative assistant, who shall receive basic compensation at a rate not to exced $8,000 a year.

There is hereby authorized to be appropriated such sums as may be necessary for the payment of such compensation.

COMMITTEE STAFFS

Sec. 202. (a) Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committees) is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deem advisable. Each such committee is further authorized to terminate the services by a majority vote of the committee of any such professional staff member as it may see fit. Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

(b) Subject to appropriations which it shall be in order to include in appropriation bills, the Committee on Appropriations of each House is authorized to appoint such staff, in addition to the clerk thereof and assistants for the minority, as each such committee, by a majority vote, shall determine to be necessary, such personnel, other than the minority assistants, to possess such qualifications as the committees respectively may prescribe, and the Committee on Appropriations of the House also is authorized to conduct studies and examinations of the organization and operation of any executive agency (including any agency the majority of the stock of which is owned by the Government of the United States) as it may deem necessary to assist it in connection with the determination of matters

within its jurisdiction and in accordance with procedures authorized by the committee by a majority vote, including the rights and powers conferred by House Resolution Numbered 50, adopted January 9, 1945.

(c) The clerical staff of each standing committee, which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks, to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable; and the position of committee janitor is hereby abolished. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work.

(d) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(e) The professional staff members of the standing committees shall receive annual compensation, to be fixed by the chairman, ranging from $5,000 to $8,000 and the clerical staff shall receive annual compensation ranging from $2,000 to $8,000.

(f) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Ad-

ministration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

(g) No individual who is employed as a professional staff member of any committee as provided in this section shall be eligible for appointment to any office or position in the executive branch of the Government for a period of one year after he shall have ceased to be such a member.

(h) Notwithstanding the foregoing provisions—

(1) The committee employees of the existing Committee on Appropriations of the Senate and of the existing committee on appropriations of the House of Representatives shall be continued on the rolls of the respective appropriations committees established under title I of this Act during the fiscal year 1947, unless sooner removed for cause.

(2) Committee employees of all other existing standing committees of each House shall be continued on the pay rolls of the Senate and House of Representatives, respectively, through January 31, 1947, unless sooner removed for cause by the Secretary of the Senate or the Clerk of the House, as the case may be.

(3) The appropriations for the compensation of committee employees of standing committees of the Senate and of the House of Representatives contained in the Legislative Branch Appropriation Act, 1947, shall be available for the compensation of employees specified in paragraph (2) of this subsection and of employees of the standing committees of the Senate and House of Representatives succeeding to the jurisdiction of the standing committees specified in such Appropriation Act; and in any case in which the legislative jurisdiction of any existing standing

committee is transferred to two or more standing committees under title I of this Act, the Committee on Rules and Administration of the Senate with respect to standing committees of the Senate, and the Committee on House Administration, with respect to standing committees of the House, shall allocate such appropriations in an equitable manner.

LEGISLATIVE REFERENCE SERVICE

Sec. 203. (a) The Librarian of Congress is authorized and directed to establish in the Library of Congress a separate department to be known as the Legislative Reference Service. It shall be the duty of the Legislative Reference Service—

(1) upon request, to advise and assist any committee of either House or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it, or of recommendations submitted to Congress, by the President or any executive agency, and otherwise to assist in furnishing a basis for the proper determination of measures before the committee;

(2) upon request, or upon its own initiative in anticipation of requests, to gather, classify, analyze, and make available, in translations, indexes, digests, compilations and bulletins, and otherwise, data for a bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, without partisan bias in selection or presentation;

(3) to prepare summaries and digests of public hearings before committees of the Congress, and of bills and resolutions of a public general nature introduced in either House.

(b) (1) A director and assistant director of the Legislative Reference Service and all other necessary personnel, shall be appointed by the Librarian of Congress without regard to the civil-service laws and without reference to political affiliations, solely on the ground of fitness to perform the duties of their office. The compensation of all employees shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended: *Provided,* That the grade of senior specialists in each field enumerated in paragraph (2) of this subsection shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned. All employees of the Legislative Reference Service shall be subect to the provisions of the civil-service retirement laws.

(2) The Librarian of Congress is further authorized to appoint in the Legislative Reference Service senior specialists in the following broad fields: Agriculture; American government and public administration; American public law; conservation; education; engineering and public works; full employment; housing; industrial organization and corporation finance; international affairs; international trade and economic geography; labor; mineral economics; money and banking; price economics; social welfare; taxation and fiscal policy; transportation and communications; and veterans' affairs. Such specialists, together with such other members of the staff as may be necessary, shall be available for special work with the appropriate committees of Congress for any of the purposes set out in section 203 (a) (1).

(c) There is hereby authorized to be appropriated for the work of the Legislative Reference Service the following sums: (1) For the fiscal year ending June 30, 1947,

$550,000; (2) for the fiscal year ending June 30, 1948, $650,000; (3) for the fiscal year ending June 30, 1949, $750,000; and (4) for each fiscal year thereafter such sums as may be necessary to carry on the work of the Service.

OFFICE OF THE LEGISLATIVE COUNSEL

Sec. 204. There is hereby authorized to be appropriated for the work of the Office of the Legislative Counsel the following sums:

(1) For the fiscal year ending June 30, 1947, $150,000;

(2) For the fiscal year ending June 30, 1948, $200,000;

(3) For the fiscal year ending June 30, 1949, $250,000;

(4) For the fiscal year ending June 30, 1950, $250,000; and

(5) For each fiscal year thereafter such sums as may be necessary to carry on the work of the Office.

STUDIES BY COMPTROLLER GENERAL

Sec. 205. The Comptroller General is authorized and directed to make a full and complete study of restrictions placed in general appropriation Acts limiting the expenditure of specified appropriations therein, with a view to determining the cost to the Government incident to complying with such restrictions, and to report to the Congress his estimate of the cost of complying with such restrictions and such other recommendations with respect thereto as he deems necessary or desireable.

EXPENDITURE ANALYSES BY COMPTROLLER GENERAL

Sec. 206. The Comptroller General is authorized and directed to make an expenditure analysis of each agency in the executive branch of the Government (including Government corporations), which, in the opinion of the Comp-

troller General, will enable Congress to determine whether public funds have been economically and efficiently administered and expended. Reports on such analyses shall be submitted by the Comptroller General, from time to time, to the Committees on Expenditures in the Executive Departments, to the Appropriations Committees, and to the legislative committees having jurisdiction over legislation relating to the operations of the respective agencies, of the two Houses.

CORRECTION OF MILITARY AND NAVAL RECORDS

Sec. 207. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury with respect to the Coast Guard, respectively, under procedures set up by them, and acting through boards of civilian officers or employees of their respective departments, are authorized to correct any military or naval record where in their judgment such action is necessary to correct an error or to remove an injustice.

PART 2—STATUTORY PROVISIONS RELATING TO COMMITTEES OF CONGRESS

IMPROVEMENT OF CONGRESSIONAL RECORD

Sec. 221. The Joint Committee on Printing is authorized and directed to provide for printing in the Daily Record the legislative program for the day, together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter; and to cause a brief resumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents. Such data shall be prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

JOINT COMMITTEE ON PRINTING

Sec. 222. Section 1 of the Act entitled "An Act Providing for the public printing and binding and the distribution of public documents", approved January 12, 1895 (28 Stat. 601), is amended to read as follows: "That there shall be a Joint Committee on Printing, consisting of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives, who shall have the powers hereinafter stated."

JOINT COMMITTEE ON THE LIBRARY

Sec. 223. The Joint Committee of Congress on the Library shall hereafter consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

TRANSFER OF FUNCTIONS

Sec. 224. The functions, powers, and duties imposed by statute, resolution, or rule of either House of Congress on the effective date of this section on a standing committee of the Senate or the House of Representatives (or the chairman thereof) are, insofar as they are consistent with this Act, hereby transferred to that standing committee created by this Act (or the chairman thereof) to which is transferred the legislative jurisdiction over the subject matter to which such functions, powers, and duties relate; except that the chairman of the Committee on Civil Service of the Senate and the chairman of the Committee on Post Office and Civil Service of the House created by this Act shall be members of the National Archives council.

JOINT COMMITTEE ON THE ECONOMIC REPORT

Sec. 225. Section 5 (b) (3) (relating to the time for filing the report of the Joint Committee on the Economic Report) of the Employment Act of 1946 is amended by striking out "May 1" and inserting in lieu thereof "February 1".

ECONOMIC REPORT OF THE PRESIDENT

Sec. 226. Section 3(a) (relating to the time for filing the economic report of the president) of the Employment Act of 1946 is amended by striking out "within 60 days after the beginning of each regular session" and inserting in lieu thereof "at the beginning of each regular session".

PART 3—PROVISIONS RELATING TO CAPITOL AND PAGES

REMODELING OF CAUCUS ROOMS AND RESTAURANTS

Sec. 241. The Architect of the Capitol is authorized and directed to prepare plans and submit them to Congress at the earliest practicable date for the remodeling (a) of the caucus rooms in the Senate and House Office Buildings to provide improved acoustics and seating facilities and for the presentation of motion picture or other visual displays on matters of national interest; and (b) of the Senate and House Restaurants to provide for more convenient dining facilities.

ASSIGNMENT OF CAPITOL SPACE

Sec. 242. The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings.

SENATE AND HOUSE PAGES

Sec. 243. (a) The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, are authorized and directed to enter into an arrangement with the Board of Education of the District of Columbia for the education of Congressional pages and pages of the Supreme Court in the public school system of the District. Such arrangement shall include provision for reimbursement to the District of Columbia for any additional expenses incurred by the public school system of the District in carrying out such arrangement.

(b) There are hereby authorized to be appropriated such sums as may be necessary to reimburse the District of Columbia in accordance with the arrangement referred to in subsection (a).

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, said page or pages may elect to attend a private or parochial school of their own choice: *Provided, however,* That such private or parochial school shall be reimbursed by the Senate and House of Representatives only in the same amount as would be paid if the page or pages were attending a public school under the provisions of paragraphs (a) and (b) of this section.

AUTHORIZATION OF APPROPRIATIONS AND PERSONNEL

Sec. 244. All necessary funds required to carry out the provisions of this Act, by the Secretary of the Senate and the Clerk of the House, are hereby authorized to be appropriated, and the Secretary of the Senate and the Clerk of the House are hereby further authorized to employ such administrative assistants as may be necessary in order to carry out the provisions of this Act under their respective jurisdictions.

EFFECTIVE DATE

Sec. 245. This title shall take effect on the date of its enactment; except that sections 202 (a), (b), (c), (e), (f), and (h), 222, 223, 224, and 243 shall take effect on the day on which the Eightieth Congress convenes.